

CONFERENCE ON DISARMAMENT

CD/1117
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ARGENTINA AND BRAZIL

AGREEMENT BETWEEN THE REPUBLIC OF ARGENTINA AND THE FEDERATIVE REPUBLIC OF BRAZIL FOR THE EXCLUSIVELY PEACEFUL USE OF NUCLEAR ENERGY

The Government of the Republic of Argentina and the Government of the Federative Republic of Brazil, hereinafter referred to as "the Parties":

Noting the progress achieved in bilateral nuclear co-operation as a result of the joint work under the co-operative agreement on the peaceful uses of nuclear energy, signed in Buenos Aires on 20 May 1980;

Recalling the commitments assumed under the Joint Declarations on Nuclear Policy of Foz do Iguaçu (1985), Brasilia (1986), Viedma (1987) and Iperó (1988), reaffirmed by the Joint Statement of Buenos Aires of 6 July 1990;

Considering the decisions adopted in the Argentine-Brazilian Declaration on Common Nuclear Policy of Foz do Iguaçu of 28 November 1990;

Reaffirming their decision to deepen the process of integration between the two countries;

Recognizing the importance of the peaceful use of nuclear energy for the scientific, technological, economic and social development of their peoples;

Believing that the benefits of all applications of nuclear technology should be accessible for peaceful purposes to all States;

Reaffirming the principles of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean;

Have agreed as follows:

BASIC UNDERTAKING

ARTICLE I

1. The Parties undertake to use the nuclear material and facilities under their jurisdiction or control exclusively for peaceful purposes.
2. The Parties also undertake to prohibit and prevent in their respective territories, and to abstain from carrying out, promoting or authorizing, directly or indirectly, or from participating in any way in:

- (a) The testing, use, manufacture, production or acquisition by any means of any nuclear weapon; and
- (b) The receipt, storage, installation, deployment or any other form of possession of any nuclear weapon.

3. Bearing in mind that at present no technical distinction can be made between nuclear explosive devices for peaceful purposes and those for military purposes, the Parties also undertake to prohibit and prevent in their respective territories, and to abstain from carrying out, promoting or authorizing, directly or indirectly, or from participating in any way in, the testing, use, manufacture, production or acquisition by any means of any nuclear explosive device while the above-mentioned technical limitation exists.

ARTICLE II

None of the provisions of the present Agreement shall affect the inalienable right of the Parties to carry out research on, produce and use nuclear energy for peaceful purposes, each Party maintaining its industrial, technological and commercial secrets, without discrimination and in conformity with Articles I, III and IV.

ARTICLE III

None of the provisions of the present Agreement shall limit the right of the Parties to use nuclear energy for the propulsion of any type of vehicle, including submarines, since propulsion is a peaceful application of nuclear energy.

ARTICLE IV

The Parties undertake to submit all the nuclear materials in all nuclear activities carried out in their territories or anywhere under their jurisdiction or control to the Common System of Accounting and Control of Nuclear Materials ("SCCC") established by Article V of the present Agreement.

COMMON SYSTEM OF ACCOUNTING AND CONTROL OF NUCLEAR MATERIALS

ARTICLE V

The Parties shall establish the Common System of Accounting and Control of Nuclear Materials (hereinafter referred to as "SCCC"), the objective of which shall be to verify, in accordance with the basic guidelines established in the Annex to the present Agreement, that the nuclear materials in all nuclear activities of the Parties are not diverted to the purposes prohibited by the present Agreement.

BRAZILIAN-ARGENTINE AGENCY FOR ACCOUNTING AND CONTROL OF NUCLEAR MATERIALS

ARTICLE VI

The Parties shall establish the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (hereinafter referred to as the "ABACC"), which shall have legal personality enabling it to carry out the objective assigned to it under the present Agreement.

OBJECTIVE OF THE ABACC

ARTICLE VII

The objective of the ABACC shall be to administer and implement the SCCC in accordance with the provisions of the present Agreement.

POWERS OF THE ABACC

ARTICLE VIII

The powers of the ABACC shall be:

- (a) To agree with the Parties new General Procedures and Implementation Manuals and any modifications to the existing procedures and manuals that may be necessary;
- (b) To carry out the inspections and other procedures required for implementation of the SCCC;
- (c) To designate inspectors to carry out the inspections indicated in (b);
- (d) To evaluate the inspections carried out in implementation of the SCCC;
- (e) To engage the necessary services to ensure fulfilment of its objective;
- (f) To represent the Parties before third parties in connection with the implementation of the SCCC;
- (g) To take legal action.

ORGANS OF THE ABACC

ARTICLE IX

The organs of the ABACC shall be the Commission and the Secretariat.

COMPOSITION OF THE COMMISSION

ARTICLE X

The Commission shall consist of four members, two being designated by each Party. The Commission shall be established within 60 days of the entry into force of the present Agreement.

FUNCTIONS OF THE COMMISSION

ARTICLE XI

The functions of the Commission shall be:

- (a) To monitor the functioning of the SCCC;
- (b) To approve the General Procedures and Implementation Manuals referred to in Article VIII(a) after their negotiation by the Secretariat;
- (c) To procure the necessary resources for the establishment of the Secretariat;
- (d) To supervise the functioning of the Secretariat, preparing instructions and directives as appropriate in each case;
- (e) To appoint the professional staff of the Secretariat and to approve the appointment of auxiliary staff;
- (f) To prepare a list of duly qualified inspectors from among those proposed by the Parties to carry out the inspection tasks entrusted to them by the Secretariat;
- (g) To inform the Party concerned of any anomalies which may arise in the implementation of the SCCC; that Party shall then be obliged to take the necessary measures to rectify the situation;
- (h) To call upon the Parties to establish any ad hoc advisory groups which may be deemed necessary to improve the functioning of the SCCC;
- (i) To report to the Parties every year on the implementation of the SCCC;
- (j) To inform the Parties of the non-compliance by one of the Parties of the commitments made under the present Agreement;
- (k) To prepare rules of procedure for itself and regulations for the Secretariat.

COMPOSITION OF THE SECRETARIAT

ARTICLE XII

1. The Secretariat shall consist of the professional staff appointed by the Commission and of auxiliary staff. In the performance of their duties, the staff of the Secretariat shall be subject to the regulations approved and the directives formulated by the Commission.
2. The senior staff of the nationality of each Party shall take it in turns each year to act as Secretary of the ABACC, beginning with the nationality of the country in which the headquarters is not located.
3. The inspectors designated under Article VII(c) shall be responsible exclusively to the Secretariat while carrying out the duties assigned to them by the Secretariat in connection with the SCCC.

FUNCTIONS OF THE SECRETARIAT

ARTICLE XIII

The Secretariat shall have the following functions:

- (a) To implement the directives and instructions issued by the Commission;
- (b) In this context, to perform the necessary activities for implementation and administration of the SCCC;
- (c) To act, under the mandate of the Commission, as the representative of the ABACC in its relations with the Parties and with third parties;
- (d) To designate from among those included in the list referred to in Article XI(f) the inspectors who will carry out the inspection tasks necessary for the implementation of the SCCC, taking into account that the inspectors who are nationals of one of the Parties should carry out inspections at the facilities of the other Party, and to instruct them in the performance of their duties;
- (e) To receive the reports which the inspectors will prepare on the results of their inspections;
- (f) To evaluate the inspections in accordance with the appropriate procedures;
- (g) To inform the Commission immediately of any discrepancy in the records of either of the Parties which emerges from the evaluation of the inspection results;

- (h) To prepare the ABACC's budget for approval by the Commission;
- (i) To report regularly to the Commission on its activities and, in particular, on the implementation of the SCCC.

CONFIDENTIALITY OF THE INFORMATION

ARTICLE XIV

1. The ABACC shall not be authorized to divulge industrial, commercial or any other information of a confidential nature on the facilities and characteristics of the nuclear programmes of the Parties without the express consent of the Parties.
2. The members of the Commission, the staff of the Secretariat, the inspectors and all persons involved in the implementation of the SCCC shall not reveal industrial, commercial or any other information of a confidential nature on the facilities and characteristics of the nuclear programmes of the Parties acquired in or as a result of the performance of their duties. This obligation shall continue even after they have ceased working for the ABACC or doing work related to the implementation of the SCCC.
3. The penalties for infringements of paragraph 2 of this Article shall be determined by the respective national legislations, each Party establishing the penalty for infringements committed by its nationals regardless of where they were committed.

HEADQUARTERS OF THE ABACC

ARTICLE XV

1. The headquarters of the ABACC shall be in the city of Rio de Janeiro.
2. The ABACC shall negotiate with the Federative Republic of Brazil the relevant headquarters agreement.

FINANCIAL AND TECHNICAL SUPPORT

ARTICLE XVI

1. The Parties shall provide in equal amounts the necessary funds for the functioning of the SCCC and the ABACC.
2. The Parties shall make their technical capabilities available to the ABACC in support of its activities. Persons allocated temporarily to these support tasks shall be bound by the commitment laid down in Article XIV.

PRIVILEGES AND IMMUNITIES

ARTICLE XVII

1. The ABACC shall enjoy legal personality and full legal capacity. Its privileges and immunities and those of its staff in Brazil shall be laid down in the headquarters agreement referred to in Article XV.

2. The privileges and immunities of the inspectors and other staff working on a temporary basis for the ABACC shall be determined in an Additional Protocol.

INTERPRETATION AND APPLICATION

ARTICLE XVIII

Any disputes relating to the interpretation and application of the present Agreement shall be settled by the Parties through diplomatic channels.

BREACH OF THE AGREEMENT

ARTICLE XIX

Any serious breach of the present Agreement by one of the Parties shall entitle the other Party to terminate the Agreement or to suspend its application as a whole or in part, notification thereof being made by that Party to the Secretariat of the United Nations and the Secretariat of the Organization of American States.

RATIFICATION AND ENTRY INTO FORCE

ARTICLE XX

The present Agreement shall enter into force 30 days after the date of exchange of the respective instruments of ratification. Its text shall be transmitted by the Parties to the Secretariat of the United Nations and the Secretariat of the Organization of American States for registration.

AMENDMENTS

ARTICLE XXI

The present Agreement may be amended by the Parties at any time by mutual consent. The entry into force of the amendments shall be in accordance with the procedure laid down in Article XX.

DURATION

ARTICLE XXII

The present Agreement shall be valid for an indefinite period. It may be terminated by either of the Parties by written notification to the other Party, notification thereof being made by the Party terminating the Agreement to the Secretariat of the United Nations and the Secretariat of the Organization of American States. The termination shall become effective six months after the date of receipt of this notification.

Done in the city of Guadalajara (Mexico) on the eighteenth day of the month of July 1991, in duplicate in the Spanish and Portuguese languages, both texts being equally authentic.

ANNEX

BASIC GUIDELINES FOR THE COMMON SYSTEM OF ACCOUNTING
AND CONTROL OF NUCLEAR MATERIALS

ARTICLE I

1. The Common System of Accounting and Control of Nuclear Materials (the SCCC) is a set of procedures established by the Parties to detect, with a reasonable degree of certainty, whether the nuclear materials in all their nuclear activities have been diverted to uses not authorized under the terms of the present Agreement.
2. The SCCC consists of General Procedures and Implementation Manuals for each category of installation.

ARTICLE II

The SCCC shall be based on a structure of nuclear material accounting areas and shall be applied as of one of the following initiating events:

- (a) The production of any nuclear material of suitable composition and purity for direct use in the manufacture of nuclear fuel or in isotopic enrichment, including the subsequent generations of nuclear material produced from such material;
- (b) The import of any nuclear material having the characteristics set forth in paragraph (a) above or any other nuclear materials produced in a subsequent stage of the nuclear fuel cycle.

ARTICLE III

The nuclear material shall cease to be subject to the SCCC when:

- (a) It has been moved outside the jurisdiction or control of the Parties; or
- (b) It has been transferred to a non-nuclear use or a nuclear use not relevant in terms of the SCCC; or
- (c) It has been used, diluted or transformed so that it cannot be used for any nuclear use relevant in terms of the SCCC or it is practically irrecoverable.

ARTICLE IV

The application of the SCCC to nuclear materials used for the nuclear propulsion of any type of vehicle, including submarines, or in other activities which, by their nature, require a special procedure shall have the following special characteristics:

- (a) The suspension of inspections, of access to operational accounting records and of notifications and reports required under the SCCC in relation to these nuclear materials for the duration of their use for the above-mentioned activities;
- (b) The reapplication to these nuclear materials of the procedures referred to in paragraph (a) when they cease to be used for those activities;
- (c) The recording by the ABACC of the total quantity and composition of such nuclear materials under the jurisdiction or control of one of the Parties and all transfers of these materials outside such jurisdiction or control.

ARTICLE V

The suitable level of accounting and control of nuclear materials for each installation shall be determined according to the strategic value obtained from analysis of the following variables:

- (a) Category of the nuclear material, taking into account the relevance of its isotopic composition;
- (b) Conversion time;
- (c) Inventory/flow of the nuclear material;
- (d) Category of the installation;
- (e) Degree of importance of the installation in comparison with other existing installations;
- (f) Existence of containment and surveillance methods.

ARTICLE VI

The SCCC, where appropriate, shall include such measures as:

- (a) A system of records or reports reflecting, for each nuclear material accounting area, the inventory of nuclear materials and changes in that inventory;

- (b) Provisions for the correct application of the accounting and control procedures and measures;
- (c) Measuring systems to determine the nuclear material inventories and their variations;
- (d) Evaluation of the accuracy and degree of approximation of the measurements and calculation of their uncertainty;
- (e) Procedures to identify, revise and evaluate shipper-receiver differences in the measurements;
- (f) Procedures for carrying out a physical inventory;
- (g) Procedures for determining and evaluating non-accounted material;
- (h) Implementation of containment and surveillance systems.

CONFERENCE ON DISARMAMENT

CD/1118
22 January 1992

Original: ENGLISH

ARGENTINA AND BRAZIL

AGREEMENT BETWEEN THE REPUBLIC OF ARGENTINA, THE FEDERATIVE REPUBLIC OF BRAZIL, THE BRAZILIAN-ARGENTINE AGENCY FOR ACCOUNTING AND CONTROL OF NUCLEAR MATERIALS AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS

WHEREAS the Republic of Argentina and the Federative Republic of Brazil (hereinafter referred to as "the States Parties") are parties to the Agreement on the Exclusively Peaceful Utilization of Nuclear Energy (hereinafter referred to as "the SCCC Agreement"), which established the Common System of Accounting and Control of Nuclear Materials (hereinafter referred to as "the SCCC");

RECALLING the undertakings of the States Parties in the SCCC Agreement;

RECALLING that, pursuant to the SCCC Agreement, none of its provisions shall be interpreted as affecting the inalienable right of the parties thereto to carry out research on, produce and use nuclear energy for peaceful purposes without discrimination and in conformity with Articles I to IV of the SCCC Agreement;

WHEREAS the States Parties are members of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (hereinafter referred to as "ABACC"), to which the implementation of the SCCC has been entrusted;

WHEREAS the States Parties have decided to conclude with the International Atomic Energy Agency (hereinafter referred to as "the Agency") a joint safeguards agreement, with the SCCC as a basis for the agreement;

WHEREAS the States Parties have further voluntarily requested the Agency to apply its safeguards taking into account the SCCC;

WHEREAS it is the desire of the States Parties, ABACC and the Agency to avoid unnecessary duplication of activities;

WHEREAS the Agency is authorized, pursuant to Article III.A.5 of its Statute (hereinafter referred to as "the Statute"), to conclude safeguards agreements at the request of Member States;

NOW THEREFORE the States Parties, ABACC and the Agency have agreed as follows:

PART I

BASIC UNDERTAKINGS

Article 1

The States Parties undertake to accept safeguards, in accordance with the terms of this Agreement, on all nuclear material in all nuclear activities within their territories, under their jurisdiction or carried out under their control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

Article 2

- (a) The Agency shall have the right and the obligation to ensure that safeguards will be applied, in accordance with the terms of this Agreement, on all nuclear material in all nuclear activities within the territories of the States Parties, under their jurisdiction or carried out under their control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.
- (b) ABACC undertakes, in applying its safeguards on nuclear material in all nuclear activities within the territories of the States Parties, to co-operate with the Agency, in accordance with the terms of this Agreement, with a view to ascertaining that such nuclear material is not diverted to nuclear weapons or other nuclear explosive devices.
- (c) The Agency shall apply its safeguards in such a manner as to enable it to verify, in ascertaining that there has been no diversion of nuclear material to nuclear weapons or other nuclear explosive devices, findings of the SCCC. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency, in accordance with the procedures specified in this Agreement. The Agency, in its verification, shall take due account of the technical effectiveness of the SCCC.

Article 3

- (a) The States Parties, ABACC and the Agency shall co-operate to facilitate the implementation of the safeguards provided for in this Agreement.
- (b) ABACC and the Agency shall avoid unnecessary duplication of safeguards activities.

IMPLEMENTATION OF SAFEGUARDS

A r t i c l e 4

The safeguards provided for in this Agreement shall be implemented in a manner designed:

- (a) to avoid hampering the economic and technological development of the States Parties or international co-operation in the field of nuclear activities, including international exchange of nuclear material;
- (b) to avoid undue interference in the States Parties' nuclear activities, and in particular in the operation of facilities;
- (c) to be consistent with prudent management practices required for the economic and safe conduct of nuclear activities; and
- (d) to enable the Agency to fulfill its obligations under this Agreement taking into account the requirement for the Agency to preserve technological secrets.

A r t i c l e 5

- (a) The Agency shall take every precaution to protect any confidential information coming to its knowledge in the implementation of this Agreement.
- (b) (i) The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of this Agreement, except that specific information relating to the implementation thereof may be given to the Board of Governors of the Agency (hereinafter referred to as "the Board") and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfill its responsibilities in implementing this Agreement.
- (ii) Summarized information on nuclear material subject to safeguards under this Agreement may be published upon decision of the Board if the States Parties directly concerned agree thereto.

A r t i c l e 6

- (a) In implementing safeguards pursuant to this Agreement, full account shall be taken of technological developments in the field of safeguards, and every effort shall be made to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of nuclear material subject to safeguards under this Agreement by use of instruments and other techniques at certain strategic points to the extent that present or future technology permits.
- (b) In order to ensure optimum cost-effectiveness, use shall be made, for example, of such means as:

- (i) containment and surveillance as a means of defining material balance areas for accounting and control purposes;
- (ii) statistical techniques and random sampling in evaluating the flow of nuclear material; and
- (iii) concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of nuclear material from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other nuclear material, on condition that this does not hamper the implementation of this Agreement.

PROVISION OF INFORMATION TO THE AGENCY

A r t i c l e 7

- (a) In order to ensure the effective implementation of safeguards under this Agreement, ABACC shall, in accordance with the provisions set out in this Agreement, provide the Agency with information concerning nuclear material subject to safeguards under this Agreement and the features of facilities relevant to safeguarding such material.
- (b)
 - (i) The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under this Agreement.
 - (ii) Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under this Agreement.
- (c) If a State Party so requests, the Agency shall be prepared to examine directly on the premises either of that State Party or of ABACC, design information which the State Party regards as being of particular sensitivity. Such information need not be physically transmitted to the Agency provided that it remains readily available for further examination by the Agency on the premises either of that State Party or of ABACC.

AGENCY INSPECTORS

A r t i c l e 8

- (a)
 - (i) The Agency shall secure the consent of the States Parties through ABACC to the designation of Agency inspectors to the States Parties.
 - (ii) If the States Parties through ABACC, either upon proposal of a designation or at any other time after a designation has been made, object to the designation, the Agency shall propose an alternative designation or designations.

- (iii) If, as a result of the repeated refusal of the States Parties through ABACC to accept the designation of Agency inspectors, inspections to be conducted under this Agreement would be impeded, such refusal shall be considered by the Board, upon referral by the Director General of the Agency (hereinafter referred to as "the Director General"), with a view to its taking appropriate action.
- (b) ABACC and the States Parties shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under this Agreement.
- (c) The visits and activities of Agency inspectors shall be so arranged as:
 - (i) to reduce to a minimum the possible inconvenience and disturbance to the States Parties and ABACC and to the nuclear activities inspected;
 - (ii) to ensure protection of any confidential information coming to the knowledge of Agency inspectors; and
 - (iii) to take into account ABACC activities to avoid unnecessary duplication of efforts.

STARTING POINT OF SAFEGUARDS

A r t i c l e 9

- (a) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in paragraph (b) is imported into a State Party to this Agreement, that State Party shall inform the Agency of its quantity and composition, unless the material is imported for specifically non-nuclear purposes; and
- (b) When any nuclear material of a composition and purity suitable for fuel fabrication or for isotopic enrichment leaves the plant or the process stage in which it has been produced, or when such nuclear material, or any other nuclear material produced at a later stage in the nuclear fuel cycle, is imported into a State Party to this Agreement, the nuclear material shall become subject to the other safeguards procedures specified in this Agreement.

TERMINATION OF SAFEGUARDS

A r t i c l e 10

- (a) Safeguards under this Agreement shall terminate on nuclear material upon determination by ABACC and the Agency that the material has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable.

- (b) Where nuclear material subject to safeguards under this Agreement is to be used in non-nuclear activities, such as the production of alloys or ceramics, ABACC shall agree with the Agency, before the material is so used, on the circumstances under which the safeguards under this Agreement on such material may be terminated.

EXEMPTION FROM SAFEGUARDS

A r t i c l e 11

- (a) Nuclear material shall be exempted from safeguards in accordance with the provisions specified in Article 35 of this Agreement.
- (b) Where nuclear material subject to safeguards under this Agreement is to be used in non-nuclear activities which, in the opinion of either ABACC or the Agency, will not render the material practicably irrecoverable, ABACC shall agree with the Agency, before the material is so used, on the circumstances under which such material may be exempted from safeguards.

TRANSFER OF NUCLEAR MATERIAL OUT OF THE STATES PARTIES

A r t i c l e 12

- (a) ABACC shall give the Agency notification of transfers of nuclear material subject to safeguards under this Agreement out of the States Parties, in accordance with the provisions set out in this Agreement. Safeguards on nuclear material in the States Parties under this Agreement shall terminate when the recipient State has assumed responsibility therefor, as provided for in Part II of this Agreement. The Agency shall maintain records indicating each transfer and the re-application of safeguards to the transferred nuclear material.
- (b) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in Article 9(b) is directly or indirectly exported by a State Party to this Agreement to any State not Party to this Agreement, the State Party shall inform the Agency of its quantity, composition and destination, unless the material is exported for specifically non-nuclear purposes.

SPECIAL PROCEDURES

A r t i c l e 13

If a State Party intends to exercise its discretion to use nuclear material which is required to be safeguarded under this Agreement for nuclear propulsion or operation of any vehicle, including submarines and prototypes, or in such other non-proscribed nuclear activity as agreed between the State Party and the Agency, the following procedures shall apply:

- (a) that State Party shall inform the Agency, through ABACC, of the activity, and shall make it clear:

- (i) that the use of the nuclear material in such an activity will not be in conflict with any undertaking of the State Party under agreements concluded with the Agency in connection with Article XI of the Statute of the Agency or any other agreement concluded with the Agency in connection with INFCIRC/26 (and Add.1) or INFCIRC/66 (and Rev.1 or 2), as applicable; and
- (ii) that during the period of application of the special procedures the nuclear material will not be used for the production of nuclear weapons or other nuclear explosive devices;
- (b) the State Party and the Agency shall make an arrangement so that, these special procedures shall apply only while the nuclear material is used for nuclear propulsion or in the operation of any vehicle, including submarines and prototypes, or in such other non-proscribed nuclear activity as agreed between the State Party and the Agency. The arrangement shall identify, to the extent possible, the period or circumstances during which the special procedures shall be applied. In any event, the other procedures provided for in this Agreement shall apply again as soon as the nuclear material is reintroduced into a nuclear activity other than the above. The Agency shall be kept informed of the total quantity and composition of such material in that State Party and of any export of such material; and
- (c) each arrangement shall be concluded between the State Party concerned and the Agency as promptly as possible and shall relate only to such matters as temporal and procedural provisions and reporting arrangements, but shall not involve any approval or classified knowledge of such activity or relate to the use of the nuclear material therein.

MEASURES IN RELATION TO VERIFICATION OF NON-DIVERSION

A r t i c l e 14

If the Board, upon report of the Director General, decides that an action by ABACC and/or a State Party is essential and urgent in order to ensure verification that nuclear material subject to safeguards under this Agreement, is not diverted to nuclear weapons or other nuclear explosive devices, the Board may call upon ABACC and/or the State Party concerned to take the required action without delay, irrespective of whether procedures have been invoked pursuant to Article 22 of this Agreement for the settlement of a dispute.

A r t i c l e 15

If the Board, upon examination of relevant information reported to it by the Director General, finds that the Agency is not able to verify that there has been no diversion of nuclear material required to be subject to safeguards under this Agreement to nuclear weapons or other nuclear explosive devices, it may make the reports provided for in paragraph C of Article XII of the Statute and may also take, where applicable, the other measures provided for in that paragraph. In taking such action, the Board shall take account of the degree of assurance provided by the safeguards measures that have been applied and shall afford the State Party concerned every reasonable opportunity to furnish the Board with any necessary reassurance.

PRIVILEGES AND IMMUNITIES

Article 16

Each State Party shall apply to the Agency, including its property, funds and assets, and to its inspectors and other officials performing functions under this Agreement, the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.

FINANCE

Article 17

The States Parties, ABACC and the Agency will bear the expenses incurred by them in implementing their respective responsibilities under this Agreement. However, if the States Parties, or persons under their jurisdiction, or ABACC, incurs extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so. In any case, the Agency shall bear the cost of any additional measuring or sampling which Agency inspectors may request.

THIRD PARTY LIABILITY FOR NUCLEAR DAMAGE

Article 18

Each State Party shall ensure that any protection against third party liability in respect of nuclear damage, including any insurance or other financial security, which may be available under its laws or regulations shall apply to the Agency and its officials for the purpose of the implementation of this Agreement, in the same way as that protection applies to residents of that State Party.

INTERNATIONAL RESPONSIBILITY

Article 19

Any claim by ABACC or a State Party against the Agency or by the Agency against ABACC or a State Party in respect of any damage resulting from the implementation of safeguards under this Agreement, other than damage arising out of a nuclear incident, shall be settled in accordance with international law.

INTERPRETATION AND APPLICATION OF THE AGREEMENT AND SETTLEMENT OF DISPUTES

Article 20

At the request of the Agency, ABACC or a State Party or States Parties, there shall be consultations about any question arising out of the interpretation or application of this Agreement.

A r t i c l e 21

ABACC and the States Parties shall have the right to request that any question arising out of the interpretation or application of this Agreement be considered by the Board. The Board shall invite all Parties to the Agreement to participate in the discussion of any such question by the Board.

A r t i c l e 22

Any dispute arising out of the interpretation or application of this Agreement, except a dispute with regard to a finding by the Board under Article 15 or an action taken by the Board pursuant to such a finding, which is not settled by negotiation or another procedure agreed to by the State Party or States Parties concerned, ABACC and the Agency shall, at the request of any of them, be submitted to an arbitral tribunal composed of five arbitrators. The States Parties and ABACC shall designate two arbitrators and the Agency shall also designate two arbitrators, and the four arbitrators so designated shall elect a fifth, who shall be the Chairman. If, within thirty days of the request for arbitration, either the Agency or the States Parties and ABACC have not designated two arbitrators each, either the Agency or the States Parties and ABACC may request the President of the International Court of Justice to appoint these arbitrators. The same procedure shall apply if, within thirty days of the designation or appointment of the fourth arbitrator, the fifth arbitrator has not been elected. A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall require the concurrence of at least three arbitrators. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal shall be binding on the States Parties, ABACC and the Agency.

SUSPENSION OF APPLICATION OF AGENCY SAFEGUARDS UNDER OTHER AGREEMENTS

A r t i c l e 23

Upon the coming into force of this Agreement for a State Party, the application of Agency safeguards in that State Party under other safeguards agreements with the Agency not involving third parties will be suspended while this Agreement is in force. The Agency and the State Party concerned shall initiate consultations with the third party concerned with a view to suspending the application of safeguards in that State Party under safeguards agreements involving third parties. The State Party's undertaking in the agreements referred to above not to use items which are subject thereto in such a way as to further any military purpose shall continue to apply.

AMENDMENT OF THE AGREEMENT

A r t i c l e 24

- (a) ABACC, the States Parties and the Agency shall, at the request of any one of them, consult on amendment to this Agreement.
- (b) All amendments shall require the agreement of ABACC, the States Parties and the Agency.

- (c) Amendments to this Agreement shall enter into force in the same conditions as the entry into force of the Agreement itself.
- (d) The Director General shall promptly inform all Member States of the Agency of any amendment to this Agreement.

ENTRY INTO FORCE AND DURATION

A r t i c l e 25

This Agreement shall enter into force on the date upon which the Agency receives from ABACC and from the States Parties written notification that their respective requirements for entry into force have been met. The Director General shall promptly inform all Member States of the Agency of the entry into force of this Agreement.

A r t i c l e 26

This Agreement shall remain in force as long as the States Parties are Parties to the SCCC Agreement.

PROTOCOL

Article 27

The Protocol attached to this Agreement shall be an integral part thereof. The term "Agreement" as used in this instrument means the Agreement and the Protocol together.

P A R T II

INTRODUCTION

A r t i c l e 28

The purpose of this part of the Agreement is to specify the procedures to be applied in the implementation of the safeguards provisions of Part I.

OBJECTIVE OF SAFEGUARDS

A r t i c l e 29

The objective of the safeguards procedures set forth in this Agreement is the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection.

A r t i c l e 30

For the purpose of achieving the objective set forth in Article 29, nuclear material accountancy shall be used as a safeguards measure of fundamental importance, with containment and surveillance as important complementary measures.

A r t i c l e 31

The technical conclusion of the Agency's verification activities shall be a statement, in respect of each material balance area, of the amount of material unaccounted for over a specific period, and giving the limits of accuracy of the amounts stated.

COMMON SYSTEM OF ACCOUNTING FOR AND CONTROL OF NUCLEAR MATERIAL

A r t i c l e 32

Pursuant to Article 2, the Agency, in carrying out its verification activities, shall make full use of the SCCC and shall avoid unnecessary duplication of ABACC's accounting and control activities.

A r t i c l e 33

ABACC's system of accounting for and control of nuclear material under this Agreement shall be based on a structure of material balance areas, and shall make provision, as appropriate and specified in the Subsidiary Arrangements, for the establishment of such measures as:

- (a) a measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;
- (b) the evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;
- (c) procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;
- (d) procedures for taking a physical inventory;
- (e) procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;
- (f) a system of records and reports showing, for each material balance area, the inventory of nuclear material and the changes in that inventory including receipts into and transfers out of the material balance area;
- (g) provisions to ensure that the accounting procedures and arrangements are being operated correctly; and
- (h) procedures for the provision of reports to the Agency in accordance with Articles 57 to 63 and 65 to 67.

TERMINATION OF SAFEGUARDS

A r t i c l e 34

- (a) Safeguards under this Agreement shall terminate on nuclear material under the conditions set forth in Article 10(a). Where the conditions of Article 10(a) are not met, but ABACC considers that the recovery of safeguarded nuclear material from residues is not for the time being practicable or desirable, ABACC and the Agency shall consult on the appropriate safeguards measures to be applied.
- (b) Safeguards under this Agreement shall terminate on nuclear material under the conditions set forth in Article 10(b) provided that ABACC and the Agency agree that such nuclear material is practicably irrecoverable.
- (c) Safeguards under this Agreement shall terminate on nuclear material transferred out of the States Parties, under the conditions set forth in Article 12(a) and the procedures specified in Articles 89 to 92.

EXEMPTIONS FROM SAFEGUARDS

A r t i c l e 35

At the request of ABACC, the Agency shall exempt nuclear material from safeguards as follows:

- (a) special fissionable material, when it is used in gram quantities or less as a sensing component in instruments;
- (b) nuclear material, when it is used in non-nuclear activities in accordance with Article 11(b);
- (c) if the total quantity of nuclear material which has been exempted in each State Party in accordance with this sub-Article does not at any time exceed:
 - (i) one kilogram in total of special fissionable material, which may consist of one or more of the following:
 - (1) plutonium;
 - (2) uranium with an enrichment of 0.2 (20%) and above, taken account of by multiplying its weight by its enrichment; and
 - (3) uranium with an enrichment below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its enrichment;
 - (ii) ten metric tons in total of natural uranium and depleted uranium with an enrichment above 0.005 (0.5%);

- (iii) twenty metric tons of depleted uranium with an enrichment of 0.005 (0.5%) or below; and
 - (iv) twenty metric tons of thorium; or
- (d) plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

A r t i c l e 36

If exempted nuclear material is to be processed or stored together with nuclear material subject to safeguards under this Agreement, provision shall be made for the re-application of safeguards thereto.

SUBSIDIARY ARRANGEMENTS

A r t i c l e 37

Taking into account the SCCG, ABACC, the State Party concerned and the Agency shall make Subsidiary Arrangements which shall specify in detail, to the extent necessary to permit the Agency to fulfill its responsibilities under this Agreement in an effective and efficient manner, how the procedures laid down in this Agreement are to be applied. By agreement between ABACC, the State Party concerned and the Agency, the Subsidiary Arrangements may, without amendment of this Agreement, be extended or changed or, in respect of a particular facility, terminated.

A r t i c l e 38

The Subsidiary Arrangements shall enter into force at the same time as, or as soon as possible after, the entry into force of this Agreement. ABACC, the States Parties and the Agency shall make every effort to achieve their entry into force within one hundred and eighty days of the entry into force of this Agreement; an extension of that period shall require agreement between ABACC, the States Parties and the Agency. The State Party concerned through ABACC shall provide the Agency promptly with the information required for completing the Subsidiary Arrangements. Upon the entry into force of this Agreement, the Agency shall have the right to apply the procedures laid down therein in respect of the nuclear material listed in the inventory provided for in Article 39 even if the Subsidiary Arrangements have not yet entered into force.

INVENTORY

A r t i c l e 39

On the basis of the initial report referred to in Article 60, the Agency shall establish unified inventories of all nuclear material in each State Party subject to safeguards under this Agreement, irrespective of its origin, and shall maintain these inventories on the basis of subsequent reports and of the results of its verification activities. Copies of the inventories shall be made available to ABACC at intervals to be agreed.

DESIGN INFORMATION

General provisions

A r t i c l e 40

Pursuant to Article 7, design information in respect of existing facilities shall be provided to the Agency by the State Party concerned through ABACC during the discussion of the Subsidiary Arrangements. The time limits for the provision of design information in respect of the new facilities shall be specified in the Subsidiary Arrangements and such information shall be provided as early as possible before nuclear material is introduced into a new facility.

A r t i c l e 41

The design information to be provided to the Agency shall include, in respect of each facility, when applicable:

- (a) the identification of the facility, stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;
- (b) a description of the general arrangement of the facility with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of important items of equipment which use, produce or process nuclear material;
- (c) a description of features of the facility relating to material accountancy, containment and surveillance; and
- (d) a description of the existing and proposed procedures at the facility for nuclear material accountancy and control, with special reference to material balance areas established by the operator, measurements of flow and procedures for physical inventory taking.

A r t i c l e 42

Other information relevant to the application of safeguards under this Agreement shall also be provided to the Agency in respect of each facility if so specified in the Subsidiary Arrangements. ABACC shall provide the Agency with supplementary information on the health and safety procedures which the Agency shall observe and with which the Agency inspectors shall comply at the facility.

A r t i c l e 43

The Agency shall be provided by the State Party concerned through ABACC with design information in respect of a modification relevant for safeguards purposes under this Agreement, for examination, and shall be informed of any change in the information provided to it under Article 42, sufficiently in advance for the safeguards procedures to be adjusted when necessary.

A r t i c l e 44

Purposes of examination of design information

The design information provided to the Agency shall be used for the following purposes:

- (a) to identify the features of facilities and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;
- (b) to determine material balance areas to be used for accounting purposes and to select those strategic points which are key measurement points and which will be used to determine flow and inventory of nuclear material; in determining such material balance areas the following criteria, inter alia, shall be used:
 - (i) the size of the material balance area shall be related to the accuracy with which the material balance can be established;
 - (ii) in determining the material balance area advantage shall be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby to simplify the application of safeguards and to concentrate measurement efforts at key measurement points;
 - (iii) a special material balance area may be established at the request of the State Party concerned through ABACC around a process step involving technologically, industrially or commercially sensitive information; and
 - (iv) for installations of particular sensitivity, key measurement points may be selected in such a way as to enable the Agency to fulfill its obligations under this Agreement taking into account the requirement for the Agency to preserve technological secrets;
- (c) to establish the nominal timing and procedures for taking of physical inventory of nuclear material for accounting purposes under this Agreement;
- (d) to establish the records and reports requirements and records evaluation procedures;
- (e) to establish requirements and procedures for verification of the quantity and location of nuclear material; and
- (f) to select appropriate combinations of containment and surveillance methods and techniques and the strategic points at which they are to be applied.

The results of the examination of the design information, as agreed upon between ABACC and the Agency, shall be included in the Subsidiary Arrangements.

A r t i c l e 45

Re-examination of design information

Design information shall be re-examined in the light of changes in operating conditions, of developments in safeguards technology or of experience in the application of verification procedures, with a view to modifying the action taken pursuant to Article 44.

A r t i c l e 46

Verification of design information

The Agency, in co-operation with ABACC and the State Party concerned, may send inspectors to facilities to verify the design information provided to the Agency pursuant to Articles 40 to 43, for the purposes stated in Article 44.

INFORMATION IN RESPECT OF NUCLEAR MATERIAL OUTSIDE FACILITIES

A r t i c l e 47

The Agency shall be provided by the State Party concerned through ABACC with the following information when nuclear material is to be customarily used outside facilities, as applicable:

- (a) a general description of the use of the nuclear material, its geographic location, and the user's name and address for routine business purposes; and
- (b) a general description of the existing and proposed procedures for nuclear material accountancy and control.

The Agency shall be informed by ABACC, on a timely basis, of any change in the information provided to it under this Article.

A r t i c l e 48

The information provided to the Agency pursuant to Article 47 may be used, to the extent relevant, for the purposes set out in Article 44(b) to (f).

RECORDS SYSTEM

General provisions

A r t i c l e 49

ABACC shall arrange that records are kept in respect of each material balance area. The records to be kept shall be described in the Subsidiary Arrangements.

A r t i c l e 50

ABACC shall make arrangements to facilitate the examination of records by inspectors, particularly if the records are not kept in Arabic, Chinese, English, French, Russian or Spanish.

A r t i c l e 51

Records shall be retained for at least five years.

A r t i c l e 52

Records shall consist, as appropriate, of:

- (a) accounting records of all nuclear material subject to safeguards under this Agreement; and
- (b) operating records for facilities containing such nuclear material.

A r t i c l e 53

The system of measurements on which the records used for the preparation of reports are based shall either conform to the latest international standards or be equivalent in quality to such standards.

Accounting records

A r t i c l e 54

The accounting records shall set forth the following in respect of each material balance area:

- (a) all inventory changes, so as to permit a determination of the book inventory at any time;
- (b) all measurement results that are used for determination of the physical inventory; and
- (c) all adjustments and corrections that have been made in respect of inventory changes, book inventories and physical inventories.

A r t i c l e 55

For all inventory changes and physical inventories the records shall show, in respect of each batch of nuclear material: material identification, batch, data and source data. The records shall account for uranium, thorium and plutonium separately in each batch of nuclear material. For each inventory change, the date of the inventory change and, when appropriate, the originating material balance area and the receiving material balance area or the recipient, shall be indicated.

A r t i c l e 56

Operating records

The operating records shall set forth, as appropriate, in respect of each material balance area:

- (a) those operating data which are used to establish changes in the quantities and composition of nuclear material;
- (b) the data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;

- (c) a description of the sequence of the actions taken in preparing for, and in taking, a physical inventory, in order to ensure that it is correct and complete; and
- (d) a description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

REPORTS SYSTEM

General provisions

A r t i c l e 57

ABACC shall provide the Agency with reports as detailed in Articles 58 to 63 and 65 to 67 in respect of nuclear material subject to safeguards under this Agreement.

A r t i c l e 58

Reports shall be made in English, French or Spanish, except as otherwise specified in the Subsidiary Arrangements.

A r t i c l e 59

Reports shall be based on the records kept in accordance with Articles 49 to 56 and shall consist, as appropriate, of accounting reports and special reports.

Accounting reports

A r t i c l e 60

The Agency shall be provided by ABACC with an initial report on all nuclear material subject to safeguards under this Agreement. The initial report shall be dispatched by ABACC to the Agency within thirty days of the last day of the calendar month in which this Agreement enters into force, and shall reflect the situation in each State Party as of the last day of that month.

A r t i c l e 61

ABACC shall provide the Agency with the following accounting reports for each material balance area:

- (a) inventory change reports showing all changes in the inventory of nuclear material. The reports shall be dispatched as soon as possible and, in any event, within thirty days after the end of the month in which the inventory changes occurred or were established; and
- (b) material balance reports showing the material balance based on a physical inventory of nuclear material actually present in the material balance area. The reports shall be dispatched as soon as possible and, in any event, within thirty days after the physical inventory has been taken.

The reports shall be based on data available as of the date of reporting and may be corrected at a later date, as required.

A r t i c l e 62

Inventory change reports shall specify identification and batch data for each batch of nuclear material, the date of the inventory change and, as appropriate, the originating material balance area and the receiving material balance area or the recipient. These reports shall be accompanied by concise notes:

- (a) explaining the inventory changes, on the basis of the operating data contained in the operating records provided for under Article 56(a); and
- (b) describing, as specified in the Subsidiary Arrangements, the anticipated operational programme, particularly the taking of a physical inventory.

A r t i c l e 63

ABACC shall report each inventory change, adjustment and correction, either periodically in a consolidated list or individually. Inventory changes shall be reported in terms of batches. As specified in the Subsidiary Arrangements, small changes in inventory of nuclear material, such as transfers of analytical samples, may be combined in one batch and reported as one inventory change.

A r t i c l e 64

The Agency shall provide ABACC with semi-annual statements of book inventory of nuclear material subject to safeguards under this Agreement, for each material balance area, as based on the inventory change reports for the period covered by each such statement.

A r t i c l e 65

Material balance reports shall include the following entries, unless otherwise agreed by ABACC and the Agency:

- (a) beginning physical inventory;
- (b) inventory changes (first increases, then decreases);
- (c) ending book inventory;
- (d) shipper/receiver differences;
- (e) adjusted ending book inventory;
- (f) ending physical inventory; and
- (g) material unaccounted for.

A statement of the physical inventory, listing all batches separately and specifying material identification and batch data for each batch, shall be attached to each material balance report.

A r t i c l e 66

Special reports

ABACC shall make special reports without delay:

- (a) if any unusual incident or circumstances lead ABACC to believe that there is or may have been loss of nuclear material that exceeds the limits specified for this purpose in the Subsidiary Arrangements; or
- (b) if the containment has unexpectedly changed from that specified in the Subsidiary Arrangements to the extent that unauthorized removal of nuclear material has become possible.

A r t i c l e 67

Amplification and clarification of reports

If the Agency so requests, ABACC shall provide it with amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards under this Agreement.

INSPECTIONS

A r t i c l e 68

General provisions

The Agency shall have the right to make inspections as provided for in this Agreement.

Purposes of inspections

A r t i c l e 69

The Agency may make ad hoc inspections in order to:

- (a) verify the information contained in the initial report on the nuclear material subject to safeguards under this Agreement;
- (b) identify and verify changes in the situation which have occurred between the date of the initial report and the date of entry into force of the Subsidiary Arrangements in respect of a given facility and, in the event that Subsidiary Arrangements cease to be in force, in respect of a given facility; and
- (c) identify, and if possible verify the quantity and composition of, nuclear material subject to safeguards under this Agreement in accordance with Articles 91, 94 and 96 before its transfer out of, into or between States Parties.

A r t i c l e 70

The Agency may make routine inspections in order to:

- (a) verify that reports are consistent with records;
- (b) verify the location, identity, quantity and composition of all nuclear material subject to safeguards under this Agreement; and
- (c) verify information on the possible causes of material unaccounted for, shipper/receiver differences and uncertainties in the book inventory.

A r t i c l e 71

Subject to the procedures laid down in Article 75, the Agency may make special inspections:

- (a) in order to verify the information contained in special reports; or
- (b) if the Agency considers that information made available by ABACC, including explanations from ABACC and information obtained from routine inspections, is not adequate for the Agency to fulfill its responsibilities under this Agreement.

An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in Articles 76 to 80 or involves access to information or locations in addition to the access specified in Article 74 for ad hoc and routine inspections, or both.

Scope of inspections

A r t i c l e 72

For the purposes specified in Articles 69 to 71, the Agency may:

- (a) examine the records kept pursuant to Articles 49 to 56;
- (b) make independent measurements of all nuclear material subject to safeguards under this Agreement;
- (c) verify the functioning and calibration of instruments and other measuring and control equipment;
- (d) apply and make use of surveillance and containment measures; and
- (e) use other objective methods which have been demonstrated to be technically feasible.

A r t i c l e 73

Within the scope of Article 72, the Agency shall be enabled:

- (a) to observe that samples at key measurement points for material balance accountancy are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;
- (b) to observe that the measurements of nuclear material at key measurement points for material balance accountancy are representative, and to observe the calibration of the instruments and equipment involved;
- (c) to make arrangements with ABACC and, to the extent necessary, with the State Party concerned that, if necessary:
 - (i) additional measurements are made and additional samples taken for the Agency's use;
 - (ii) the Agency's standard analytical samples are analysed;
 - (iii) appropriate absolute standards are used in calibrating instruments and other equipment; and
 - (iv) other calibrations are carried out;
- (d) to arrange to use its own equipment for independent measurement and surveillance and, if so agreed and specified in the Subsidiary Arrangements, to arrange to install such equipment;
- (e) to apply its seals and other identifying and tamper-indicating devices to containments, if so agreed and specified in the Subsidiary Arrangements; and
- (f) to make arrangements with ABACC or the State Party concerned for the shipping of samples taken for the Agency's use.

Access for inspections

A r t i c l e 74

- (a) For the purposes specified in Article 69(a) and (b) and until such time as the strategic points have been specified in the Subsidiary Arrangements, or in the event that the Subsidiary Arrangements cease to be in force, the Agency inspectors shall have access to any location where the initial report or any inspections carried out in connection with it indicate that nuclear material is present;
- (b) For the purposes specified in Article 69(c) the Agency inspectors shall have access to any location of which the Agency has been notified in accordance with Articles 90(d)(iii), 93(d)(iii) or 95;
- (c) For the purposes specified in Article 70, the Agency inspectors shall have access only to the strategic points specified in the Subsidiary Arrangements and to the records maintained pursuant to Articles 49 to 56; and

- (d) In the event of ABACC concluding that any unusual circumstances require extended limitations on access by the Agency, ABACC and the Agency shall promptly make arrangements with a view to enabling the Agency to discharge its safeguards responsibilities in the light of these limitations. The Director General shall report each such arrangement to the Board.

A r t i c l e 75

In circumstances which may lead to special inspections for the purposes specified in Article 71, the State Party concerned, ABACC and the Agency shall consult forthwith. As a result of such consultations the Agency may:

- (a) make inspections in addition to the routine inspection effort provided for in Articles 76 to 80; and
- (b) obtain access, in agreement with the State Party concerned and ABACC, to information or locations in addition to those specified in Article 74. Any disagreement concerning the need for additional access shall be resolved in accordance with Articles 21 and 22; in case action by ABACC, a State Party or States Parties is essential and urgent, Article 14 shall apply.

Frequency and intensity of routine inspections

A r t i c l e 76

The Agency shall keep the number, intensity and duration of routine inspections, applying optimum timing, to the minimum consistent with the effective implementation of the safeguards procedures set forth in this Agreement, and shall make the optimum and most economical use of inspection resources available to it.

A r t i c l e 77

The Agency may carry out one routine inspection per year in respect of facilities and material balance areas outside facilities with a content or annual throughput, whichever is greater, of nuclear material not exceeding five effective kilograms.

A r t i c l e 78

The number, intensity, duration, timing and mode of routine inspections in respect of facilities with a content or annual throughput of nuclear material exceeding five effective kilograms shall be determined on the basis that, in the maximum or limiting case, the inspection regime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of nuclear material, and the maximum routine inspection effort in respect of such facilities shall be determined as follows:

- (a) for reactors and sealed storage installations, the maximum total of routine inspection per year shall be determined by allowing one sixth of a man-year of inspection for each such facility;

- (b) for facilities, other than reactors or sealed storage installations, involving plutonium or uranium enriched to more than 5%, the maximum total of routine inspection per year shall be determined by allowing for each such facility $30 \times \sqrt{E}$ man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms. The maximum established for any such facility shall not, however, be less than 1.5 man-years of inspection; and
- (c) for facilities not covered by paragraphs (a) or (b), the maximum total of routine inspection per year shall be determined by allowing for each such facility one third of a man-year of inspection plus $0.4 \times E$ man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms.

The Parties to this Agreement may agree to amend the figures for the maximum inspection effort specified in this Article, upon determination by the Board that such amendment is reasonable.

A r t i c l e 79

Subject to Articles 76 to 78, the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections in respect of any facility shall include:

- (a) the form of the nuclear material, in particular, whether the nuclear material is in bulk form or contained in a number of separate items, its chemical and isotopic composition and its accessibility;
- (b) the effectiveness of ABACC's safeguards, including the extent to which the operators of facilities are functionally independent of ABACC's safeguards; the extent to which the measures specified in Article 33 have been implemented by ABACC; the promptness of reports provided to the Agency; their consistency with the Agency's independent verification; and the amount and accuracy of the material unaccounted for, as verified by the Agency;
- (c) characteristics of the nuclear fuel cycles in the States Parties, in particular, the number and types of facilities containing nuclear material subject to safeguards, the characteristics of such facilities relevant to safeguards, notably the degree of containment; the extent to which the design of such facilities facilitates verification of the flow and inventory of nuclear material; and the extent to which information from different material balance areas can be correlated;
- (d) international interdependence, in particular, the extent to which nuclear material is received from or sent to other States for use or processing; any verification activities by the Agency in connection therewith; and the extent to which the nuclear activities in each State Party are interrelated with those of other States; and
- (e) technical developments in the field of safeguards, including the use of statistical techniques and random sampling in evaluating the flow of nuclear material.

A r t i c l e 80

ABACC and the Agency shall consult if ABACC or the State Party concerned considers that the inspection effort is being deployed with undue concentration on particular facilities.

Notice of inspections

A r t i c l e 81

The Agency shall give advance notice to ABACC and to the State Party concerned before arrival of Agency inspectors at facilities or material balance areas outside facilities, as follows:

- (a) for ad hoc inspections pursuant to Article 69(c), at least 24 hours; for those pursuant to Article 69(a) and (b) as well as the activities provided for in Article 46, at least one week;
- (b) for special inspections pursuant to Article 71, as promptly as possible after ABACC, the State Party concerned and the Agency have consulted, as provided for in Article 75, it being understood that notification of arrival normally will constitute part of the consultations; and
- (c) for routine inspections pursuant to Article 70, at least 24 hours in respect of the facilities referred to in Article 78(b) and sealed storage installations containing plutonium or uranium enriched to more than 5%, and one week in all other cases.

Such notice of inspections shall include the names of the Agency inspectors and shall indicate the facilities and the material balance areas outside facilities to be visited and the periods during which they will be visited. If the Agency inspectors are to arrive from outside the States Parties, the Agency shall also give advance notice of the place and time of their arrival in the States Parties.

A r t i c l e 82

Notwithstanding the provisions of Article 81, the Agency may, as a supplementary measure, carry out without advance notification a portion of the routine inspections pursuant to Article 78 in accordance with the principle of random sampling. In performing any unannounced inspections, the Agency shall fully take into account any operational programme provided pursuant to Article 62(b). Moreover, whenever practicable, and on the basis of the operational programme, it shall periodically advise ABACC and the State Party concerned, through the procedures specified in the Subsidiary Arrangements, of its general programme of announced and unannounced inspections, specifying the general periods when inspections are foreseen. In carrying out any unannounced inspections, the Agency shall make every effort to minimize any practical difficulties for ABACC and the State Party concerned and for facility operators, bearing in mind the relevant provisions of Articles 42 and 87. Similarly, ABACC and the State Party concerned shall make every effort to facilitate the task of the Agency inspectors.

Designation of Agency inspectors

A r t i c l e 83

The following procedures shall apply to the designation of Agency inspectors:

- (a) the Director General shall inform the States Parties, through ABACC, in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as an inspector for the States Parties;
- (b) the States Parties, through ABACC, shall inform the Director General within thirty days of the receipt of such a proposal whether they accept the proposal;
- (c) the Director General may designate each official who has been accepted by the States Parties, through ABACC, as one of the Agency inspectors for the States Parties, and shall inform the States Parties, through ABACC, of such designations; and
- (d) the Director General, acting in response to a request by the States Parties, through ABACC, or on his own initiative, shall immediately inform the States Parties, through ABACC, of the withdrawal of the designation of any official as an Agency inspector for the States Parties.

However, in respect of Agency inspectors needed for the activities provided for in Article 46 and to carry out ad hoc inspections pursuant to Article 69(a) and (b), the designation procedures shall be completed, if possible, within thirty days after the entry into force of this Agreement. If such designation appears impossible within this time limit, Agency inspectors for such purposes shall be designated on a temporary basis.

A r t i c l e 84

The States Parties shall grant or renew as quickly as possible appropriate visas, where required, for each Agency inspector designated pursuant to Article 83.

Conduct and visits of Agency inspectors

A r t i c l e 85

Agency inspectors, in exercising their functions under Articles 46 and 69 to 73, shall carry out their activities in a manner designed to avoid hampering or delaying the construction, commissioning or operation of facilities, or affecting their safety. In particular, Agency inspectors shall not operate any facility themselves or direct the staff of a facility to carry out any operation. If Agency inspectors consider that, in pursuance of Articles 72 and 73, particular operations in a facility should be carried out by the operator, they shall make a request therefor.

Article 86

When Agency inspectors require services available in a State Party, including the use of equipment, in connection with the performance of inspections, ABACC and the State Party concerned shall facilitate the procurement of such services and the use of such equipment by Agency inspectors.

Article 87

ABACC and the State Party concerned shall have the right to have Agency inspectors accompanied during their inspections by its inspectors and representatives of that State Party, respectively, provided that Agency inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

STATEMENTS ON THE AGENCY'S VERIFICATION ACTIVITIES

Article 88

The Agency shall inform ABACC of:

- (a) the results of its inspections, at intervals to be specified in the Subsidiary Arrangements; and
- (b) the conclusions it has drawn from its verification activities in the State Party concerned, in particular by means of statements in respect of each material balance area, which shall be made as soon as possible after a physical inventory has been taken and verified by the Agency and a material balance has been struck.

TRANSFERS INTO, OUT OF AND BETWEEN THE STATES PARTIES

Article 89

General provisions

Nuclear material subject or required to be subject to safeguards under this Agreement which is transferred out of, into or between the States Parties shall, for purposes of this Agreement, be regarded as being the responsibility of ABACC and of the State Party concerned:

- (a) in the case of import into the States Parties from another State, from the time that such responsibility ceases to lie with the exporting State, and no later than the time at which the material reaches its destination;
- (b) in the case of export out of the States Parties to another State, up to the time at which the recipient State assumes such responsibility, and no later than the time at which the nuclear material reaches its destination; and
- (c) in the case of transfer between the States Parties, from the time of transfer of responsibility, and no later than the time at which the

The point at which the transfer of responsibility will take place shall be determined in accordance with suitable arrangements to be made by ABACC and the State Party or States Parties concerned and, in the case of transfers into or out of the States Parties, the State to which or from which the nuclear material is transferred. Neither ABACC, a State Party to this Agreement nor any other State shall be deemed to have such responsibility for nuclear material merely by reason of the fact that the nuclear material is in transit on or over the territory of a State, or that it is being transported on a ship under its flag or in its aircraft.

Transfers out of the States Parties

A r t i c l e 90

- (a) ABACC shall notify the Agency of any intended transfer out of the States Parties of nuclear material subject to safeguards under this Agreement if the shipment exceeds one effective kilogram, or if, within a period of three months, several separate shipments are to be made to the same State, each of less than one effective kilogram but the total of which exceeds one effective kilogram.
- (b) Such notification shall be given to the Agency after the conclusion of the contractual arrangements leading to the transfer and normally at least two weeks before the nuclear material is to be prepared for shipping.
- (c) ABACC and the Agency may agree on different procedures for advance notification.
- (d) The notification shall specify:
 - (i) the identification and, if possible, the expected quantity and composition of the nuclear material to be transferred, and the material balance area from which it will come;
 - (ii) the State for which the nuclear material is destined;
 - (iii) the dates on and locations at which the nuclear material is to be prepared for shipping;
 - (iv) the approximate dates of dispatch and arrival of the nuclear material; and
 - (v) at what point of the transfer the recipient State will assume responsibility for the nuclear material for the purpose of this Agreement, and the probable date on which that point will be reached.

A r t i c l e 91

The notification referred to in Article 90 shall be such as to enable the Agency to make, if necessary, an ad hoc inspection to identify, and if possible verify the quantity and composition of, the nuclear material before it is transferred out of the States Parties and, if the Agency so wishes or ABACC so requests, to affix seals to the nuclear material when it has been prepared for shipping. However, the transfer of the nuclear material shall not be delayed in any way by any inspection or verification action taken or contemplated by the Agency pursuant to such notification.

A r t i c l e 92

Nuclear material subject to Agency safeguards in a State Party shall not be exported unless such material will be subject to safeguards in the recipient State and until the Agency has made appropriate arrangements to apply safeguards to such material.

Transfers into the States Parties

A r t i c l e 93

- (a) ABACC shall notify the Agency of any expected transfer into the States Parties of nuclear material required to be subject to safeguards under this Agreement if the shipment exceeds one effective kilogram, or if, within a period of three months, several separate shipments are to be received from the same State, each of less than one effective kilogram but the total of which exceeds one effective kilogram.
- (b) The Agency shall be notified as much in advance as possible of the expected arrival of the nuclear material, and in any case not later than the date on which the State Party assumes responsibility for the nuclear material.
- (c) ABACC and the Agency may agree on different procedures for advance notification.
- (d) The notification shall specify:
 - (i) the identification and, if possible, the expected quantity and composition of the nuclear material;
 - (ii) at what point of the transfer the State Party will assume responsibility for the nuclear material for the purpose of this Agreement, and the probable date on which that point will be reached; and
 - (iii) the expected date of arrival, the location where, and the date on which, the nuclear material is intended to be unpacked.

A r t i c l e 94

The notification referred to in Article 93 shall be such as to enable the Agency to make, if necessary, an ad hoc inspection to identify, and if possible verify the quantity and composition of, the nuclear material at the time the consignment is unpacked. However, unpacking shall not be delayed by any action taken or contemplated by the Agency pursuant to such a notification.

Transfers between the States Parties

A r t i c l e 95

The Subsidiary Arrangements shall specify the Agency's procedures for notification and verification of domestic transfers of nuclear material for transfers of nuclear material between the States Parties. While Subsidiary Arrangements are not in force, the Agency shall be notified as much in advance as possible of the transfer, but in any event, not less than two weeks before the transfer takes place.

A r t i c l e 96

The notification referred to in Article 95 shall be such as to enable the Agency to make, if necessary, a routine or ad hoc inspection, as appropriate, to identify, and if possible verify the quantity and composition of, the nuclear material before it is transferred between the States Parties and, if the Agency so wishes or ABACC so requests, to affix seals to the nuclear material when it has been prepared for shipping.

Special reports

A r t i c l e 97

ABACC shall make a special report as envisaged in Article 66 if any unusual incident or circumstances lead ABACC to believe that there is or may have been loss of nuclear material, including the occurrence of significant delay, during a transfer into, out of or between the States Parties.

D E F I N I T I O N S

A r t i c l e 98

For the purposes of this Agreement:

1. ABACC means the legal person created by the SCCC Agreement.
2. A. adjustment means an entry into an accounting record or a report showing a shipper/receiver difference or material unaccounted for.
- B. annual throughput means, for the purposes of Articles 77 and 78, the amount of nuclear material transferred annually out of a facility working at nominal capacity.
- C. batch means a portion of nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composition and quantity are defined by a single set of specifications or measurements. The nuclear material may be in bulk form or contained in a number of separate items.
- D. batch data means the total weight of each element of nuclear material and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows:
 - (a) grams of contained plutonium;
 - (b) grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
 - (c) kilograms of contained thorium, natural uranium or depleted uranium.

For reporting purposes the weights of individual items in the batch shall be added together before rounding to the nearest unit.

- E. book inventory of a material balance area means the algebraic sum of the most recent physical inventory of that material balance area and of all inventory changes that have occurred since that physical inventory was taken.
- F. correction means an entry into an accounting record or a report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered into the record or report. Each correction must identify the entry to which it pertains.
- G. effective kilogram means a special unit used in safeguarding nuclear material. The quantity in effective kilograms is obtained by taking:
- (a) for plutonium, its weight in kilograms;
 - (b) for uranium with an enrichment of 0.01 (1%) and above, its weight in kilograms multiplied by the square of its enrichment;
 - (c) for uranium with an enrichment below 0.01 (1%) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
 - (d) for depleted uranium with an enrichment of 0.005 (0.5%) or below, and for thorium, its weight in kilograms multiplied by 0.00005.
- H. enrichment means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.
- I. facility means:
- (a) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
 - (b) any location where nuclear material in amounts greater than one effective kilogram is customarily used.
- J. inventory change means an increase or decrease, in terms of batches, of nuclear material in a material balance area; such a change shall involve one of the following:
- (a) increases:
 - (i) import;
 - (ii) domestic receipt: receipts from other material balance areas, receipts from an activity referred to in Article 13, or receipts at the starting point of safeguards;
 - (iii) nuclear production: production of special fissionable material in a reactor; and
 - (iv) de-exemption: re-application of safeguards on nuclear material previously exempted therefrom on account of its use or quantity.

(b) decreases:

- (i) export;
- (ii) domestic shipment: shipments to other material balance areas or shipments for an activity referred to in Article 13;
- (iii) nuclear loss: loss of nuclear material due to its transformation into other element(s) or isotope(s) as a result of nuclear reactions;
- (iv) measured discard: nuclear material which has been measured, or estimated on the basis of measurements, and disposed of in such a way that it is not suitable for further nuclear use;
- (v) retained waste: nuclear material generated from processing or from an operational accident, which is deemed to be unrecoverable for the time being but which is stored;
- (vi) exemption: exemption of nuclear material from safeguards on account of its use or quantity; and
- (vii) other loss: for example, accidental loss (that is, irretrievable and inadvertent loss of nuclear material as the result of an operational accident) or theft.

K. key measurement point means a location where nuclear material appears in such a form that it may be measured to determine material flow or inventory. Key measurement points thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in material balance areas.

L. man-year of inspection means, for the purposes of Article 78, 300 man-days of inspection, a man-day being a day during which a single inspector has access to a facility at any time for a total of not more than eight hours.

M. material balance area means an area in or outside of a facility such that:

- (a) the quantity of nuclear material in each transfer into or out of each material balance area can be determined; and
- (b) the physical inventory of nuclear material in each material balance area can be determined when necessary, in accordance with specified procedures;

in order that the material balance for Agency safeguards purposes can be established.

N. material unaccounted for means the difference between book inventory and physical inventory.

- O. nuclear material means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute after the entry into force of this Agreement which adds to the materials considered to be source material or special fissionable material shall have effect under this Agreement only upon acceptance by ABACC and the States Parties.
- P. physical inventory means the sum of all the measured or derived estimates of batch quantities of nuclear material on hand at a given time within a material balance area, obtained in accordance with specified procedures.
- Q. shipper/receiver difference means the difference between the quantity of nuclear material in a batch as stated by the shipping material balance area and as measured at the receiving material balance area.
- R. significant quantity means the significant quantity of nuclear material as set by the Agency.
- S. source data means those data, recorded during measurement or calibration or used to derive empirical relationships, which identify nuclear material and provide batch data. Source data may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.
- T. strategic point means a location selected during examination of design information where, under normal conditions and when combined with the information from all strategic points taken together, the information necessary and sufficient for the implementation of safeguards measures is obtained and verified; a strategic point may include any location where key measurements related to material balance accountancy are made and where containment and surveillance measures are executed.

DONE at Vienna, on the thirteenth
in quadruplicate, in the English language.

day of December 1991 ,

For the REPUBLIC OF ARGENTINA:

For the INTERNATIONAL ATOMIC
ENERGY AGENCY:

For the FEDERATIVE REPUBLIC OF BRAZIL:

For ABACC:

PROTOCOL

Article 1

This Protocol amplifies certain provisions of the Agreement and, in particular, specifies the arrangements for co-operation in the application of the safeguards provided for under the Agreement. In implementing these arrangements, the Parties to the Agreement shall be guided by the following principles:

- (a) the need for ABACC and the Agency each to reach its own independent conclusions;
- (b) the need to co-ordinate to the extent possible the activities of ABACC and the Agency for the optimum implementation of this Agreement, and in particular to avoid unnecessary duplication of ABACC's safeguards;
- (c) when performing their activities, ABACC and the Agency shall work jointly, wherever feasible, in accordance with compatible safeguards criteria of the two organizations; and
- (d) the need to enable the Agency to fulfill its obligations under this Agreement taking into account the requirement for the Agency to preserve technological secrets.

Article 2

In the implementation of the Agreement, the Agency shall accord to the States Parties and to ABACC treatment not less favourable than the treatment it accords to States and regional systems of verification with a level of functional independence and technical effectiveness comparable to that of ABACC.

Article 3

ABACC shall collect the information on facilities and on nuclear material outside facilities to be provided to the Agency under the Agreement on the basis of the Agency's design information questionnaire annexed to the Subsidiary Arrangements.

Article 4

ABACC and the Agency shall each carry out the examination of design information provided for in Article 44(a) to (f) of the Agreement and shall include the results thereof in the Subsidiary Arrangements. The verification of design information provided for in Article 46 of the Agreement shall be carried out by the Agency in co-operation with ABACC.

Article 5

In addition to the information referred to in Article 3 of this Protocol, ABACC shall also transmit information on the inspection methods which it proposes to use, including estimates of its inspection efforts for the routine inspection activities for facilities and material balance areas outside facilities.

Article 6

The preparation of the Subsidiary Arrangements shall be the joint responsibility of ABACC, the Agency and the State Party concerned.

Article 7

ABACC shall collect reports from the States Parties based on records kept by the operators, keep centralized accounts on the basis of these reports and proceed with the technical and accounting control and analysis of the information received.

Article 8

Upon completion of the tasks referred to in Article 7 of this Protocol ABACC shall, on a monthly basis, produce and provide the Agency with the inventory change reports within the time limits specified in the Subsidiary Arrangements.

Article 9

Further, ABACC shall transmit to the Agency the material balance reports and physical inventory listings with the frequency and form specified in the Subsidiary Arrangements.

Article 10

The form and format of reports referred to in Articles 8 and 9 of this Protocol, as agreed between ABACC and the Agency, shall be specified in the Subsidiary Arrangements and shall be compatible with those used in the general practice of the Agency.

Article 11

The routine inspection activities of ABACC and of the Agency, including, to the extent feasible, the inspections referred to in Article 82 of the Agreement, shall be co-ordinated pursuant to the provisions of Articles 12 to 19 of this Protocol and to the Subsidiary Arrangements.

Article 12

Subject to Articles 77 and 78 of the Agreement, account shall also be taken of the inspection activities carried out by ABACC in determining the actual number, intensity, duration, timing and mode of the Agency inspections in respect of each facility.

Article 13

Inspection effort under the Agreement for each facility shall be determined by the use of the criteria set forth in Article 79 of the Agreement. Such inspection effort, expressed as agreed estimates of the actual inspection effort to be applied, shall be set out in the Subsidiary Arrangements, together with the descriptions of verification approaches and the scope of inspections to be carried out by ABACC and by the Agency. These estimates shall constitute, under normal operating conditions and under the conditions set out below, the actual inspection effort at each facility under the Agreement:

- (a) the continued validity of the information on the SCCC provided for in Article 35 of the Agreement, as specified in the Subsidiary Arrangements;
- (b) the continued validity of the information provided to the Agency in accordance with Article 3 of this Protocol;
- (c) the continued provision by ABACC of the reports pursuant to Articles 62 and 63, 65 to 67 and 69 to 71 of the Agreement, as specified in the Subsidiary Arrangements;
- (d) the continued application of the co-ordination arrangements for inspections pursuant to Articles 11 to 19 of this Protocol, as specified in the Subsidiary Arrangements; and
- (e) the application by ABACC of its inspection effort with respect to the facility, as specified in the Subsidiary Arrangements, pursuant to this Article.

Article 14

The general scheduling and planning of the inspections under the Agreement, including arrangements for the presence of ABACC and Agency inspectors during the performance of inspections under this Agreement, shall be established in co-operation between ABACC and the Agency, taking into account the scheduling of the Agency's other safeguards activities in the region.

Article 15

The technical procedures in general for each type of facility and for individual facilities shall be compatible with those of the Agency and shall be specified in the Subsidiary Arrangements, in particular with respect to:

- (a) the determination of techniques for random selection of statistical samples;
- (b) the checking and identification of standards;
- (c) containment and surveillance measures; and
- (d) verification measures.

ABACC and the Agency shall consult and identify in advance the containment and surveillance measures and the verification measures to be applied in each individual facility until the time the Subsidiary Arrangements enter into force. Such measures shall similarly be compatible with those of the Agency.

Article 16

ABACC shall transmit to the Agency its inspection reports for all ABACC inspections performed under the Agreement.

Article 17

The samples of nuclear material for ABACC and the Agency shall be drawn from the same randomly selected items and shall be taken together, except when ABACC does not require samples.

Article 18

The frequency of physical inventories to be taken by facility operators and to be verified for safeguards purposes shall be in accordance with the requirements of the relevant Facility Attachment.

Article 19

- (a) With a view to facilitating the application of the Agreement and of this Protocol, a Liaison Committee shall be established, composed of representatives of ABACC, of the States Parties and of the Agency.
- (b) The Committee shall meet at least once a year:
 - (i) to review, in particular, the performance of the co-ordination arrangements provided for in this Protocol, including agreed estimates of inspection efforts;
 - (ii) to examine the development of safeguards methods and techniques; and
 - (iii) to consider any questions which have been referred to it by the Sub-Committee referred to in paragraph (c).
- (c) The Committee may appoint a Sub-Committee to meet periodically to discuss outstanding safeguards implementation issues arising from the application of safeguards under this Agreement. Any questions which cannot be settled by the Sub-Committee will be referred to the Liaison Committee.
- (d) Without prejudice to urgent actions which might be required under the Agreement, should problems arise in the application of Article 13 of this Protocol, in particular when the Agency considers that the conditions specified therein have not been met, the Committee or the Sub-Committee shall meet as soon as possible in order to assess the situation and to discuss the measures to be taken. If a problem cannot be settled, the Committee may make appropriate proposals to the Parties, in particular with the view to modifying the estimates of inspection efforts for routine inspection activities.

DONE at Vienna, on the thirteenth
in quadruplicate, in the English language.

day of December 1991 ,

For the REPUBLIC OF ARGENTINA:

For the INTERNATIONAL ATOMIC
ENERGY AGENCY:

For the FEDERATIVE REPUBLIC OF BRAZIL:

For ABACC:

CONFERENCE ON DISARMAMENT

CD/1119

22 January 1992

Original: ENGLISH

Agenda for the 1992 session
and
Programme of Work for the Conference on Disarmament

(Adopted at its 606th plenary meeting on 21 January 1992)

The Conference on Disarmament, as the multilateral negotiating forum, shall promote the attainment of general and complete disarmament under effective international control.

The Conference, taking into account, inter alia, the relevant provisions of the documents of the first and second special sessions of the General Assembly devoted to disarmament, will deal with the cessation of the arms race and disarmament and other relevant measures in the following areas:

- I. Nuclear weapons in all aspects;
- II. Chemical Weapons;
- III. Other weapons of mass destruction;
- IV. Conventional weapons;
- V. Reduction of military budgets;
- VI. Reduction of armed forces;
- VII. Disarmament and development;
- VIII. Disarmament and international security;
- IX. Collateral measures, confidence-building measures; effective verification methods in relation to appropriate disarmament measures, acceptable to all parties concerned;
- X. Comprehensive programme of disarmament leading to general and complete disarmament under effective international control.

Within the above framework, the Conference on Disarmament adopts the following agenda for 1992 which includes items that, in conformity with the provisions of Section VIII of its Rules of Procedure, would be considered by it:

1. Nuclear test ban.
2. Cessation of the nuclear arms race and nuclear disarmament.
3. Prevention of nuclear war, including all related matters.
4. Chemical Weapons.
5. Prevention of an arms race in outer space.
6. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.
7. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.
8. Comprehensive programme of disarmament.
9. Consideration and adoption of the annual report and any other report, as appropriate, to the General Assembly of the United Nations.

Programme of Work

In compliance with rule 28 of its rules of Procedure, the Conference on Disarmament also adopts the following programme of work for its 1992 session:

- | | |
|---|---|
| 21-31 January | Adoption of the agenda, establishment of subsidiary bodies and their mandates, decision on participation of non-member States, and statements on all items; |
| 3-14 February | Statements on all items, and informal presidential consultations on outstanding matters; |
| 17 February - 27 March)
11 May - 26 June)
20 July - 14 August) | Statements on all items, and supervision of work in subsidiary bodies; |
| 17 August - 3 September | Final statements and consideration and adoption of Report. |

In accordance with rule 9 of the Rules of Procedure, the following Member States shall assume the Presidency of the Conference during the 1992 session as indicated below:

- (a) Yugoslavia from 21 January to 16 February;
- (b) Zaire from 17 February to 15 March;
- (c) Algeria from 16 March to 24 May, including the recess between the first and the second part of the annual session;
- (d) Argentina from 25 May to 21 June;
- (e) Australia from 22 June to 9 August, including the recess between the second and third part of the annual session; and
- (f) Belgium from 10 August to 3 September and the recess until the 1993 session of the Conference.

The Conference shall hold two plenary meetings a week on Tuesdays and Thursdays at 10 a.m. during the following periods: 21-31 January, 23-27 March, 22-26 June and 10-21 August. For the remaining 18 weeks of the annual session, only one plenary shall be scheduled every week, preferably on Thursdays. Flexible provisions shall, however, be made to allow for a second plenary.

The Conference will continue consideration of its improved and effective functioning and will report to the General Assembly of the United Nations on that subject.

The Conference will continue its consultations in pursuance of paragraphs 12 and 13 of its last annual report (CD/1111) with a view to taking a positive decision at its 1992 annual session with regard to expansion of its membership by not more than four States and the need to maintain balance in the membership of the Conference and will inform accordingly the forty-seventh session of the General Assembly of the United Nations.

Meetings of the subsidiary bodies will be convened after consultations between the President of the Conference and the Chairmen of the subsidiary bodies, according to the circumstances and needs of those bodies.

The Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events will meet from 2 to 13 March 1992.

In adopting its programme of work, the Conference has kept in mind the provisions of rules 30 and 31 of its Rules of Procedure.

UN

CONFERENCE ON DISARMAMENT

CD/1119/Add.1
27 May 1992

Original: ENGLISH

Agenda for the 1992 session
and
Programme of Work for the Conference on Disarmament

Addendum

Page 2

1. Add to the 1992 agenda of the Conference on Disarmament the following item and footnote:

9. Transparency in armaments*

2. Change item 9 in CD/1119 to item 10.

* The Conference has included this item in its 1992 agenda in conformity with its decision taken at the 622nd plenary meeting on 26 May 1992 (CD/1150).

CONFERENCE ON DISARMAMENT

CD/1120
22 January 1992

Original: ENGLISH

Decision on the re-establishment of the Ad Hoc Committee on
Chemical Weapons for the 1992 session

(Adopted at the 606th plenary meeting on 21 January 1992)

The Conference on Disarmament, keeping in mind General Assembly resolution 46/35 C, decides to re-establish, in accordance with its Rules of Procedure, for the duration of the 1992 session, the Ad Hoc Committee on Chemical Weapons to continue and intensify, as a priority task, the negotiations on a multilateral Convention on the complete and effective prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction with a view to achieving a final agreement on the Convention during 1992.

The Conference further decides to appoint Ambassador Adolf Ritter von Wagner of Germany as Chairman of the Ad Hoc Committee for the 1992 session.

CONFERENCE ON DISARMAMENT

CD/1121
22 January 1992

Original: ENGLISH

Decision on the re-establishment of an ad hoc committee on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

(Adopted at the 606th plenary meeting on 21 January 1992)

The Conference on Disarmament decides to re-establish for the duration of its 1992 session an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The ad hoc committee will report to the Conference on the progress of its work before the conclusion of the 1992 session.

CONFERENCE ON DISARMAMENT

UN
CD/1122
22 January 1992
Original: ENGLISH

Decision on the re-establishment of an Ad Hoc Committee on Radiological Weapons

(Adopted at the 606th plenary meeting on 21 January 1992)

The Conference decides to re-establish, for the duration of its 1992 session, the Ad Hoc Committee on Radiological Weapons with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons.

The Ad Hoc Committee will report to the Conference on the progress of its work before the conclusion of the 1992 session.

CONFERENCE ON DISARMAMENT

UN
CD/1123
31 January 1992

ENGLISH
Original: RUSSIAN

LETTER DATED 30 JANUARY 1992 FROM THE REPRESENTATIVE OF
THE RUSSIAN FEDERATION ADDRESSED TO THE PRESIDENT OF THE
CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE
STATEMENT MADE ON 29 JANUARY 1992 BY B.N. YELTSIN, THE
PRESIDENT OF THE RUSSIAN FEDERATION, ON RUSSIA'S POLICY
IN THE FIELD OF ARMS LIMITATION AND REDUCTION

I have the honour to transmit to you the statement made on
29 January 1992 by B.N. Yeltsin, President of the Russian Federation, on
Russia's policy in the field of arms limitation and reduction.

I would request you to make the necessary arrangements to have the text
of this statement issued as an official document of the Conference on
Disarmament and distributed to the delegations of all States members of the
Conference as well as States participating in but not members of the
Conference.

(Signed) S. Batsanov
Ambassador

Statement of 29 January 1992 by B.N. Yeltsin, President of
the Russian Federation, on Russia's policy in the field of
arms limitation and reduction

Citizens of Russia,

My address today is devoted to a problem of vital importance.

It concerns Russia's practical steps in the field of arms limitation and reduction.

Our position of principle is that nuclear weapons and other means of mass destruction in the world must be eliminated.

This must, of course, be done gradually and on a parity basis.

In this vitally important matter we are open to cooperation with all States and international organizations, as well as within the framework of the United Nations.

The measures I am going to speak about today have been prepared on the basis of continuing interaction with the States members of the Commonwealth and are consistent with agreements reached at the meetings of their leaders in Minsk, Alma-Ata and Moscow.

Russia regards itself as the legal successor of the USSR from the standpoint of responsibility for the fulfilment of international obligations.

We confirm all obligations under bilateral and multilateral agreements in the field of arms limitations and disarmament that were signed by the Soviet Union and that are in effect at the present time.

The leadership of Russia reaffirms its commitment to the policy of radical reductions in nuclear weapons, and of ensuring the maximum safety of nuclear weapons and all installations connected with their development, production and operation.

Russia is making a proposal to create an international agency for ensuring the reduction of nuclear weapons.

In subsequent stages, the agency could gradually bring the entire nuclear cycle under its control, from the production of uranium, deuterium and tritium to the dumping of nuclear waste.

The measures we are taking in the sphere of disarmament are not in any way undermining the defence capability of Russia and the States members of the Commonwealth. We are simply seeking to achieve reasonable minimum sufficiency as regards nuclear and conventional weapons.

This is our guiding principle in the creation of armed forces.

Realization of this principle will make it possible to save considerable resources, which will be used to meet civilian needs and to implement reforms.

Conditions are now favourable for taking major new steps towards arms reductions. Some of them we are taking unilaterally, and others on the basis of reciprocity.

The following are the steps we have taken and intend to take as a matter of priority:

First. In the sphere of strategic offensive weapons. The Treaty on Strategic Offensive Arms has been submitted to the Parliament of the Russian Federation for ratification. The ratification process has also been initiated in the United States. In my opinion, this key instrument should be brought into force as soon as possible, and should also be endorsed by Belarus, Kazakhstan and Ukraine.

Pending the entry into force of the Treaty on Strategic Offensive Arms, Russia has taken a number of major steps aimed at reducing the strategic arsenal:

Some 600 ground-based and sea-based strategic ballistic missiles, or nearly 1,250 nuclear warheads, have been removed from stand-by alert.

130 silo launchers for intercontinental ballistic missiles have been eliminated or are being prepared for liquidation.

Six nuclear submarines have been prepared for the dismantling of their missile launchers.

Several strategic weapons development and modernization programmes have been cancelled.

Strategic nuclear weapons, stationed on Ukrainian territory, will be dismantled earlier than planned. The relevant agreements on this matter have already been concluded.

I want to emphasize that we are not pursuing unilateral disarmament. The United States is taking parallel steps in a gesture of goodwill.

It is now possible and necessary to move further along this road.

The following decisions have been reached recently:

The production of heavy TU-160 and TU-95 bombers will be stopped.

The production of existing types of long-distance airborne cruise missiles will be halted. On a mutual basis with the United States, we are prepared to renounce the development of new types of such missiles.

The production of existing types of long-distance sea-based nuclear missiles will be stopped and new types of such missiles will not be developed. In addition, we are prepared - on a bilateral basis - to scrap all existing long-distance sea-based nuclear cruise missiles.

We will not hold exercises involving large numbers of heavy bombers. This means that no more than 30 such bombers will take part in any one exercise.

The number of nuclear submarines carrying ballistic missiles on combat patrol has been halved and will be further reduced. We are prepared, on a bilateral basis, to stop using such submarines for combat patrols.

Within a three-year period - instead of within seven years as planned - Russia will reduce the number of strategic offensive weapons on stand-by alert to agreed levels.

We will thus reach the level that is envisaged in the relevant treaty four years earlier.

If mutual understanding is reached with the United States, we could achieve this level even sooner.

We believe that the strategic offensive weapons that will be left in Russia and the United States after the reductions should not be aimed at United States and Russian targets respectively.

Important talks with Western leaders will be held in the next few days. Proposals on further deep cuts in strategic offensive weapons, to the level of 2,000 to 2,500 strategic nuclear warheads on each side, have been prepared.

We hope that the other nuclear-weapon Powers - China, the United Kingdom and France - will join the process of genuine nuclear disarmament.

Second. Tactical nuclear weapons. Major steps to reduce these weapons have already been taken, in parallel with the United States.

We recently halted production of nuclear warheads for ground-based tactical missiles, as well as nuclear artillery shells and nuclear mines. Stockpiles of such nuclear charges will be eliminated.

Russia is eliminating one-third of all sea-based tactical nuclear weapons and one-half of nuclear warheads for anti-aircraft missiles. Measures to this end have already been taken.

We also intend to reduce stockpiles of tactical nuclear ammunition for the air force by one-half.

The remaining tactical nuclear weapons for the air force could be removed from front-line (tactical) air force units on the basis of reciprocity with the United States, and deployed at bases for centralized stockpiling.

Third. Anti-missile defence and space. Russia reiterates its commitment to the ABM treaty, which is an important factor in maintaining strategic stability in the world.

We are ready to continue impartial discussion of the United States proposal on the limitation on non-nuclear anti-ballistic missile systems. Our position of principle is well known, namely, that, we will support this approach if it strengthens world strategic stability and Russia's security.

I also declare that Russia is prepared to eliminate, on the basis of reciprocity with the United States, existing anti-satellite systems and to work out an agreement on the complete prohibition of weapons specially designed to destroy satellites.

We are ready to develop and then to create and jointly operate a global defence system in place of the SDI system.

Fourth. Nuclear weapons tests and the production of fissionable material for military purposes. Russia emphatically favours the banning of all nuclear weapons tests.

We are abiding by the year-long moratorium on nuclear explosions, declared in October 1991, and hope that the other nuclear-weapon Powers will also refrain from conducting nuclear tests. A climate of mutual restraint would promote agreement on the complete renunciation of such tests. Reduction of the number of tests in stages is a possibility.

In the interest of eventually attaining that goal, we propose to the United States the resumption of bilateral talks on further reductions in nuclear weapons tests.

Russia intends to continue carrying out the programme to halt production of weapons-grade plutonium. Industrial reactors making weapons-grade plutonium will be shut down by the year 2000 - some of them even as early as 1993. We confirm the proposal to the United States that agreement should be reached on the supervised termination of production of fissionable material for weapons.

Fifth. Non-proliferation of weapons of mass destruction and their delivery vehicles. Russia confirms its obligations under the Nuclear Non-Proliferation Treaty, including those it assumed as its depositary. We are counting on the very rapid accession to the Treaty of Belarus, Kazakhstan and Ukraine, as well as other countries members of the Commonwealth of Independent States as non-nuclear States.

Russia declares its wholehearted support for the work of the International Atomic Energy Agency (IAEA) and is in favour of strengthening the effectiveness of its safeguards.

We are taking further steps to prevent our exports from spreading weapons of mass destruction.

Steps are at present being taken with a view to Russia's adoption of full-scale IAEA safeguards as a condition for its peaceful nuclear exports.

Russia intends as a matter of principle to accede to the international regime of non-proliferation of missiles and missile technology as an equal participant. We support the efforts of the so-called Australian Group on monitoring chemical exports.

The Russian Federation plans to adopt domestic legislation to regulate Russian exports of dual-application material, equipment and technologies that can be used to create nuclear, chemical and biological weapons, as well as combat missiles.

A State system to monitor these exports is being created. We will establish the closest cooperation and coordination between all member countries of the Commonwealth of Independent States on these issues.

Russia supports the guiding principles on arms trade approved in London in October 1991.

Sixth. Conventional weapons. The Treaty on Conventional Armed Forces in Europe has been submitted for ratification to the Russian Parliament. Other States members of the Commonwealth of Independent States whose territory is covered by this Treaty also attach importance to its ratification.

Russia confirms its intention to reduce, together with other Commonwealth countries, the armed forces of the former USSR by 700,000 in terms of real numbers.

Russia attaches great significance to the current talks in Vienna on reduction of personnel and confidence-building measures, as well as to new talks on security and cooperation in Europe.

These talks might become a permanent all-European forum in the quest for ways of creating a collective all-European security system.

Russia, in cooperation with Kazakhstan, Kyrgistan and Tajikistan, will try to reach agreement during the talks with China on the reduction of armed forces and armaments in the border area.

It was decided not to hold in 1992 major military exercises with the participation of more than 13,000 military personnel, not only in the European part, but also in the Asian part of the Commonwealth of Independent States.

We also hope that it will be possible to sign an agreement on the "Open Skies" regime in the near future.

Seventh. Chemical weapons. We favour the early conclusion (in 1992) of a global convention on the prohibition of chemical weapons. A convention of this nature is required as a means of reliably blocking the way to the acquisition of chemical weapons without infringing the lawful economic interests of its signatories.

Russia is committed to the 1990 Agreement, reached with the United States, on the non-production and elimination of chemical weapons. The time-table for the elimination of such weapons envisaged by the Agreement calls for some correction, however.

All the chemical weapons of the former USSR are deployed on the territory of Russia, which is assuming responsibility for their elimination. We are preparing a relevant State programme on this matter.

We are open to cooperation on this issue with the United States and the other parties concerned.

Eighth. Biological weapons. Russia favours the strict implementation of the 1972 Biological Weapons Convention, the creation - on a multilateral basis - of appropriate verification machinery, and the implementation of confidence-building and transparency measures.

Since implementation of the Convention is lagging, I declare that Russia withdraws its reservations concerning the possibility of using biological weapons as a response. These reservations were made by the USSR to the 1925 Geneva Protocol on the prohibition of the use in war of chemical and bacteriological weapons.

Ninth. Defence budget. Russia will continue to make drastic cuts in its defence budget, orienting it towards meeting social goals.

In 1990-1991 defence spending in comparable prices was already reduced by 20 per cent; this figure includes purchases of weapons and technology, which were cut by 30 per cent.

In 1992 we plan to reduce military spending by another 10 per cent (in 1991 prices). The volume of arms purchases will be nearly halved this year as compared with 1991.

Tenth. Conversion. Russia welcomes and favours increasing international cooperation in the field of military conversion.

For our part, we will encourage such cooperation by according "most favoured treatment" and offering tax advantages to appropriate joint projects.

Citizens of Russia,

I have just described the action plan of the Russian Federation on matters of arms reduction and disarmament. I hope that it will receive your support and be appreciated by all peoples of the Commonwealth of Independent States.

I am convinced that it fully reflects the interests of our country and other countries of the world. If it is carried out, our lives will become not only more tranquil and safer, but also more prosperous.

A few hours ago President George Bush of the United States addressed the American people proposing radical cuts in nuclear potentials and the strengthening of stability measures in relations between our countries.

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We have held preliminary consultations on these matters with each other and are at present engaged in a dialogue on the practical implementation of this policy, and of the initiatives proposed. The positions of both sides are quite close.

This is the guarantee of success on the road to the reduction of offensive nuclear weapons.

Thank you for your attention.

CONFERENCE ON DISARMAMENT

UN
CD/1124
11 February 1992

ENGLISH
Original: SPANISH

LETTER DATED 10 FEBRUARY 1992 FROM THE PERMANENT REPRESENTATIVE
OF PERU ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON
DISARMAMENT TRANSMITTING THE TEXT OF THE DRAFT AGREEMENT ON
MEASURES TO PROMOTE MUTUAL CONFIDENCE AND SECURITY BETWEEN PERU
AND ECUADOR

I have the honour to transmit to you the text of the draft Agreement on measures to promote confidence and security between Peru and Ecuador delivered by Mr. Alberto Fujimori, the President of Peru, to Mr. Rodrigo Borja, the President of Ecuador, on 10 January 1992 during his State visit to the city of Quito.

This draft Agreement was accompanied by a memorandum relating to the final execution of the demarcation of the outstanding sections of the common frontier, pursuant to the Peace, Friendship and Boundaries Protocol of 1942 and the Braz Dias de Aguiar Decision, a draft Treaty on trade and navigation between the Governments of the Republic of Peru and the Republic of Ecuador, and a draft Agreement on frontier integration, also between the two countries.

I should be very grateful if you, Sir, in accordance with the established practice, would arrange for this text to be issued as an official document of the Conference on Disarmament and distributed to all delegations, including those of the member States and of the non-member States participating in the work of the Conference.

(Signed):

Oswaldo de Rivero
Ambassador
Permanent Representative

DRAFT AGREEMENT ON MEASURES TO PROMOTE MUTUAL CONFIDENCE AND
SECURITY BETWEEN PERU AND ECUADOR

The Governments of the Republic of Peru and the Republic of Ecuador,

Prompted by a desire to conduct their relations in a spirit of mutual respect, cooperation and integration and a firm resolve to find means of increasing the confidence and understanding of their peoples, and

Convinced that this is a prerequisite in their fundamental task of endeavouring to ensure the security and development of their peoples,

Hereby sign the present Agreement on Measures to Promote Mutual Confidence and Security between Peru and Ecuador:

Article 1. Measures shall be adopted to promote mutual confidence and to develop a concept of security within an adequate framework consistent with the mutual interest in strengthening the friendship and growing cooperation between both nations.

Article 2. To this end talks shall be held alternately in Peru and in Ecuador between their respective armed forces, at the Commander-General level or at the level of their representatives, to be attended by advisers from their respective Ministries of Foreign Affairs and any other persons that may be deemed necessary.

Article 3. In order to achieve an effective and comprehensive inter-agency rapprochement which will make possible greater understanding between the armed forces of both countries at the various levels, the armed forces of Peru and Ecuador and their respective intelligence services undertake to carry out, annually or every six months as they agree, programmes of activities which may consist of:

(a) Bilateral talks between the respective national intelligence services, both on the military factors of intelligence and on its other components which give it a comprehensive character;

(b) Bilateral regional intelligence talks between G-2, N-2 and A-2 in the military frontier regions;

(c) Exchanges of armed forces personnel on courses and training cruises, on the occasion of the anniversaries of historic events and for the purpose of other professional activities;

(d) Meetings of an official, professional and/or social nature between the commanders of frontier garrisons and naval zones;

(e) Mutual invitations to participate in events of a cultural, artistic, professional and/or sporting nature;

(f) Exchanges of magazines and publications of professional and/or social interest to the armed forces;

(g) Mutual provision of accommodation at the recreational facilities of the armed forces institutes, to encourage tourism by military personnel of both countries;

(h) Visits to firms producing military equipment, munitions factories, geographical institutes, aeronautical plants etc.;

(i) Mutual exchanges of health and hospital services at the facilities of the armed forces institutes;

(j) Exchanges of information on the social security and health systems for servicemen in each country;

(k) Logistical assistance and exchanges of information on the operation and maintenance of scientific research stations and other facilities in the Antarctic.

Article 4. In addition, both armed forces undertake to implement measures relating to the control of land, air, sea and river space in the frontier regions in order to prevent possible misunderstandings that might lead to incidents of a military nature, thereby lessening the adverse consequences that might arise therefrom.

Article 5. These measures shall, *inter alia*, comprise compliance with the standards of conduct for observation posts and garrisons on the frontier between Peru and Ecuador, in accordance with the current list of agreements concluded between the armies of both countries. The provisions of these agreements are summarized below:

A. General provisions

(a) The armies of Peru and Ecuador have drawn up the present set of provisions to avert unnecessary incidents, and to strengthen the links of peace and friendship between the two countries.

(b) This set of provisions shall be binding on all frontier units.

(c) Unit chiefs shall be the sole persons responsible for circulating these provisions; to this end they shall take the necessary measures to ensure that all personnel under their command are familiar with them and shall pay special attention to, and exercise strict supervision over, their execution by observation posts.

(d) Any failure to comply with the present provisions which gives rise to a frontier incident shall be the exclusive responsibility of the commands in question.

B. Standards of conduct

In the event of a chance encounter between patrols or individuals, the following formal actions shall be taken:

(a) There shall be no immediate recourse to firearms;

(b) Mutual identification shall be effected;

(c) The reasons for the presence of the patrol or person in question in that place shall be ascertained;

(d) A friendly act shall be undertaken (offer of cigarettes, invitation to eat a snack, start of a conversation, etc.);

(e) The patrols shall abandon the sector immediately;

(f) The incident shall be reported to the respective command.

C. Fraternization activities

With the aim of achieving harmony and good relations in the frontier zone:

(a) Units shall as far as possible provide each other with logistical support in direct proportion to the resources available and in a friendly and spontaneous manner, in accordance with the traditional spirit of fraternity between military personnel of the two nations, when special or unforeseen circumstances so require, as in the case of: epidemics, natural disasters, accidents of any kind, lack of medical services or communications, etc.;

(b) Invitations shall be extended to participate in sporting and recreational events;

(c) There shall be exchanges of social visits on such occasions as changes in command and the name days of senior commanders;

(d) The observation units and/or posts shall in principle be under the command of officers; if they are not, their appointed commanders shall be qualified non-commissioned officers, in order to ensure that any incident may be resolved with common sense and problems may be avoided;

(e) On the national days of Ecuador and Peru (10 August and 28 July respectively), observation units and/or posts shall present greetings in a spirit of fraternity.

D. Facilities for river vessels or aircraft

Such facilities shall be provided when, owing to an emergency or unfamiliarity with the sector in question, river vessels or aircraft have to moor or land in military garrisons; when the emergency is over, they may proceed to their destination and the respective commands shall be informed.

E. Training exercises

(a) Forty-eight hours' notice of training and/or artillery exercises shall be given to the command of the nearest major unit;

(b) Observation units and/or posts shall give 48 hours' notice of patrols and training exercises, with details of the sector to be used, dates and approximate duration.

F. Military courtesy

Instructions shall be given concerning the conduct of the personnel of military frontier garrisons; military courtesy shall be observed at all times.

G. Avoidance of violations of airspace

(a) Flights which entail violations of the airspace of the other country shall be avoided;

(b) In the event of an incursion into the airspace of the other country in the frontier region, the aircraft in question shall not be fired on; the competent command shall be informed of the incident, which shall be resolved through the intelligence headquarters of both countries.

H. Regular cleaning of frontier-markers

(a) Frontier-markers shall be kept clean at all times; their original characteristics shall not be modified and they shall not be defaced by writing or other acts injurious to the dignity of the neighbouring country;

(b) For the purpose of searching for or locating frontier-markers of which records have been lost, the commanders of observation units or posts shall conclude prior agreements for the purpose of locating the markers through joint action, in all cases in conjunction with the Ministries of Foreign Affairs of the two countries. The commanders of observation units or posts shall not be authorized to establish any formal claim relating to the location of the markers, since this shall be the exclusive responsibility of the Joint Demarcation Commission.

I. Frontier incidents or problems

In the event of a frontier incident or problem, only official communiqués shall be issued, in consultation with the Ministries of Foreign Affairs after discussions between the Chiefs of Intelligence of the two armies.

J. Patrol activities

The commanders of observation units or posts shall ensure that, in the course of patrol activities, the members of the patrol carry a signal pistol and/or whistle as a precautionary means of communication (three shots and/or three long whistle blasts at intervals of 5 to 10 minutes).

K. Activities connected with changes in command in the frontier regions

(a) Whenever there is a change in the command of an observation unit and/or post, combat unit or major unit, official greetings shall be exchanged;

(b) Whenever there is a change in the command of an observation unit and/or post, a meeting (to be known as a concord, peace and agreements meeting) shall be held; at this meeting, which shall take place at the nearest frontier-marker, the procedures specified in the relevant bilateral agreements shall be read out.

- L. Sick or seriously injured personnel requiring urgent medical treatment which cannot be provided in one of the countries shall be evacuated to the territory of the neighbouring country
- M. Mutual assistance shall be given in the supply of medicines where needed in order to combat epidemics or when supplies of patent medicines have been exhausted as a result of heavy use
- N. Technical aspects of river and sea navigation

(a) Navigation shall be effected between river ports and shall be permitted in the cases provided for by law and in conformity with the international treaties in force;

(b) Any vessel navigating in the maritime waters of Peru shall have the right of innocent passage. ("Innocent passage" means the transit of foreign vessels through jurisdictional waters for commercial or scientific purposes or for purposes of tourism or goodwill visits. It also applies to warships; submarines shall be required to sail on the surface.)

(c) When a vessel, in the course of its voyage, has well-founded reasons for putting into port, it may make a change of route and enter the nearest port for any of the reasons listed below:

Crew member requiring specialized medical attention;

Lack of supplies;

Presence of enemies, privateers or pirates;

An accident which prevents it from navigating;

Engine damage;

Any other compelling reasons for taking this action;

(d) Since port piloting and river piloting are services of value to safety of navigation, human life and property, harbour-masters shall have at their disposal river/sea pilots, senior river pilots and ordinary river pilots; "port piloting" covers all movements effected in ports, anchoring manoeuvres, coming alongside, berthing and deberthing, and constitutes a continuation of piloting along the course of a river. Port piloting activities shall be effected without interruption at any time of the day or night;

(e) Any vessel that arrives at a river port shall be provided with the requisite port facilities;

(f) In the event of a shipwreck or accident, the vessel shall transmit the following information:

Whether the incident affects safety of navigation;

Situation of the vessel or, if it continues navigating, its port or place of destination.

To this end bilateral consultations shall be held in order to establish support systems for the conduct of joint rescue and salvage operations where necessary.

And to this end, a search and rescue plan shall be formulated.

The use of personnel and organized facilities in order to provide assistance promptly and effectively to persons in danger shall be coordinated, with the aim of avoiding or reducing the loss of human life resulting from shipwrecks or accidents.

Every vessel shall be obliged to provide assistance to any person in danger or lost overboard, provided that it is able to do so without serious risk to the vessel and persons on board.

Article 6. The Bipartite Commission on Measures to Promote Mutual Confidence and Security between Peru and Ecuador is hereby established as an institutional decision-making body responsible for the execution of the present Agreement.

Article 7. The members of the above-mentioned Commission shall be appointed by the Executive Authority of both countries.

Article 8. The Commission referred to in article 5 shall in turn form an integral part of the Bipartite Commission for Friendship, Cooperation and Integration between Peru and Ecuador, the supervisory body for all the mechanisms established to promote cooperation and integration between the two countries.

Article 9. The present Agreement shall enter into force after having been signed and ratified by the Parties in accordance with their respective legal procedures.

Article 10. The present Agreement shall be of unlimited duration. It may be formally denounced by either of the Parties through a written communication to the Ministry of Foreign Affairs of the other Party giving not less than six months' notice.
